

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

DISTRICT OF NH

FILED

2020 JUN 29 P 9 04

Sensa Verogna, Plaintiff,

)

24 HOUR DEPOSITORY

v.

)

Case #: 1:20-cv-00536-SM

Twitter Inc., Defendant.

)

**PLAINTIFF'S OBJECTION AND MEMORANDUM OF LAW IN SUPPORT OF HIS
OBJECTION TO TWITTER'S REPLY IN SUPPORT OF ITS MOTION TO DISMISS**

1. Plaintiff files this Objection and Memorandum of Law in support of his Objection to Defendant's Objections contained in [Doc. 21] and in [Doc. 3] in reply to Plaintiff's Complaint [Doc. 1] and Objections through [Doc. 13].

2. Defendants' Default is "an admission of the facts cited in Plaintiff's Complaint, See Pitts ex rel. Pitts v. Seneca Sports, Inc., 321 F. Supp.2d 1353, 1357 (S.D. Ga. 2004); see also Nishimatsu Constr. Co. v. Houston Nat'l Bank, 515 F.2d 1200, 1204 (5th Cir. 1975), and is sufficient to establish Defendants liability on Plaintiffs stated legal theories in his claims. Here, the Plaintiff has established that Defendants were at the times alleged in the Complaint, a Public Accommodation, a Public Forum, and a State Actor under law, through the well pled facts in his Complaint.

WHEREFORE, the Plaintiff, respectfully requests that this Honorable Court:

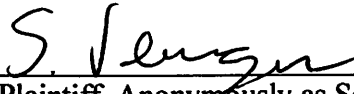
A. Deny Twitter's Motion to Dismiss Complaint in its entirety and proceed with discovery in the case;

B. Declare Twitter's CDA is not applicable in these types of actions;

C. Allow Plaintiff to leave and amend complaint to include the newer version of Twitters User Agreement May 25, 2018 version (See Compl., Ex. D-1, at § 4) and to amend any deficiencies in the Complaint; and

D. Grant such other and further relief as may be just and equitable.

Respectfully,



/s/ Plaintiff, Anonymously as Sensa Verogna
SensaVerogna@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June 2020, the foregoing document was made upon the Defendant, through its attorneys of record to Jonathan M. Eck jeck@orr-reno.com and Julie E. Schwartz, Esq., JSchwartz@perkinscoie.com